

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LISA ROCHELLE LINEBARGER,

Plaintiff,

CASE NO. 14-14501
HON. MARIANNE O. BATTANI

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AND REMANDING FOR FURTHER PROCEEDINGS**

Plaintiff Lisa Linebarger brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying her applications for supplemental security income and disability insurance benefits. Plaintiff filed the claim on May 5, 2008, alleging disability since that date. The case was before this Court for review in 2012 and remanded for further proceedings.

After remand, a second administrative hearing was held, and in her Decision, dated November 18, 2013, the Administrative Law Judge ("ALJ") concluded that Plaintiff was not disabled. The Appeals Council denied review, and Linebarger timely filed this action for judicial review of the Commissioner's decision. The case was referred to Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636.

In a Report and Recommendation ("R&R") dated October 9, 2015, Magistrate Judge Grand recommended that Defendant's Motion for Summary Judgment be denied and that

Plaintiff's motion be granted to the extent it seeks remand and denied to the extent it seeks an award of benefits. In his Report and Recommendation, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 17 at 21). Neither party filed an objection. Moreover, this Court agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Defendant's Motion for Summary Judgment, **GRANTS IN PART** Plaintiff's Motion for Summary Judgment, and **REMANDS** this matter further proceedings consistent with the R&R pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Date: January 14, 2016

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on January 14, 2016.

s/ Kay Doaks
Case Manager